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Human rights situation in Palestine and other
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Written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[16 January 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Clipping the Wings of Children under Occupation

Children are often the first victims during armed conflicts due to their vulnerability. In the last 15 years, it is estimated that two-million children have lost their lives in such conflicts¹. Armed conflicts inevitably result in children directly or indirectly becoming victims, or children being enrolled as child soldiers. Children in the Occupied Palestinian Territories (OPT) do not escape from this plight as they face harsh living conditions due to the occupation's grave violations of their human rights.

The chronic tension, wide-spread ill-treatment, and long list of atrocities against these "first victims of the Israeli occupation of Palestine,"² are well-documented in a number of reports. Their situation is crucial as they represent more than half of the population of 1.8 million people in Gaza alone³. The 2015 Report of the Special Rapporteur on the situation of human rights in the Palestinian territories-occupied since 1967 highlights consequences of the bombing on Gaza during August-2014 uprising where 551 children were killed due to the unexpected missile strikes on civilian homes at night⁴. However, the situation of Palestinian children is critical even during times when no military action takes place. Palestinians represent "the world's largest refugee population"⁵ as they have been forced out of their homeland, and an increasing percentage is living in extreme or subsistence poverty. Their fragile institutions cannot guarantee access to education or health services.

The presence of Israeli forces in the OPT creates a feeling of insecurity and a perception of threat in children's lives⁶. It is well identifiable in children's drawings containing images of planes dropping missiles on them⁷. Palestinian children live in such constant fear with dire impact on their mental state.

Exposure to traumatic events such as wars can result in "mental, behavioral and emotional problems in children and adolescents"⁸. It has been estimated that post-traumatic-stress-disorder (PTSD) was experienced by 23-70% of Palestinian children, as well as other emotional-disorders by as many as 47% of them, including depression. PTSD in Israeli children is lower, estimated according to the study between 5-8% due to the capacity Israel has to maintain "a routine and normal lifestyle." Therefore, it is important to acknowledge the particular horrific situations and lack of stability Palestinian children face. In the short-and-long-run, the devastating impact of life under occupation for the suffering Palestinian children can no longer be ignored.

UNICEF conducted in 2013 an in-depth investigation of "*Palestinian Children in Israeli Military detention: Observations and recommendations*"⁹ in order to determine if they are in conformity with the Convention-on-the-Rights-of-the-Child (CRC) and Convention-against-Torture-and-Other-Cruel-Inhuman-or-Degrading-Treatment-or-Punishment (CAT). Reports were also conducted by the Committee-on-the-Rights-of-the-Child and human rights

¹ Olivia Garreau, « Children in War », at www.humanium.org/en/children-in-war

² See Nadezhda Kevorkova, 2014 at <http://rt.com/op-edge/167812-israel-palestine-conflict-children/>

³ Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Makarim Wibisono, A/HRC/28/78, 22 January 2015, p4

⁴ Ibid n.3, p7

⁵ UNICEF, "The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon" 2010, p1, at http://www.unicef.org/oPt/PALESTINIAN_SITAN-final.pdf,

⁶ Harel-Fisch, Yossi; Radwan, Qasrowi; Walsh, Sophie D.; Laufer, Avital; Amitai, Gabriel; Fogel-Grinvald, Haya; Abdeen, Ziad "Psychological outcomes related to subjective threat from armed conflict events: findings from the Israeli-Palestinian cross-cultural HBSC study". *Child Abuse & Neglect*. Sep2010, Vol. 34 Issue 9

⁷ Muneera Al-Khalifa "Human rights in the middle east: the rights of women and children", *Refugee Survey Quarterly*, (2007) 26 (4)

⁸ Dimitri L., "A systematic review on the mental health of children and adolescents in areas of armed conflict in the Middle East", *Child: Care, Health & Development*. Mar2012, Vol. 38 Issue 2011

⁹ Palestinian Children in Israeli Military Detention: UNICEF Observations and Recommendations, 2013

organizations denouncing the cruel situations Palestinian children were enduring. Their conclusions reveal that ill-treatment of Palestinian children is "widespread, systematic and institutionalized"¹⁰ through the whole process from the arrest of the child, to the child's prosecution and sentencing, thereby constituting clear violations of the most important rules of International Law and of these children's rights.

Israeli police, security agencies and prison services are directly involved. It is ridiculous for Israel to deny responsibility on the basis of its argument that these abuses by certain officials have not been orchestrated by the State. According to UNICEF, approximately 700 Palestinian children aged 12-to-17 are arrested on a yearly basis, interrogated and detained by the Israeli military detention system¹¹.

The arrest is a first insight into the violence involved in the process, as children are usually arrested at midnight by the Israeli armed soldiers, often not telling the parents or the child himself where he is being taken, why or for how long. UNICEF reports on the use of torture or other atrocious measures to force a confession during the interrogation process; children are neither aware of their procedural rights nor accompanied by a lawyer. The interrogation is characterized by a total absence of an independent observer which leads to the worst abuses possible¹². The recourse to physical violence, intimidation and threats is frequent and leads to the result anticipated by the Israeli authorities: most children are coerced into involuntarily confessing to whatever false accusations forced upon them at the end of the interrogation. Violations of children's rights continue throughout the judicial process as children do not have the opportunity to meet with their lawyers before they are brought to court¹³. Judicial procedures in Hebrew are unavailable in Arabic and bail is often denied. The principal evidence brought to trial against Palestinian children is the confession coerced out of that child himself by abusive treatment¹⁴.

The most common crime Palestinian children were charged with under Israeli Military Law was stone-throwing¹⁵. Children are sent to prisons located inside Israel isolating them from their family and causing severe emotional distress, which contravenes article-37 of the CRC, that detention of a child shall be used only "as a measure of last resort and for the shortest appropriate period of time"¹⁶.

Torture is a norm of *jus cogens* in International Law¹⁷: its prohibition is universal and absolute, forbidden by the CRC to which Israel is a party and by the International-Covenant-on-Civil-and-Political-Rights (ICCPR) in its article-7 and 9 which concerns detention conditions. Obtaining evidence under torture is forbidden by article-15 of the (CAT) and the recourse to "sleep deprivation, solitary confinement, denial of food and water for up to 12-hours, denial of access to toilets, denial of access to a shower or change of clothes for days or weeks, exposure to extreme cold or heat, position abuse, yelling and exposure to loud noises, insults and cursing" are examples of cruel treatments used in the process¹⁸. The excessive use of hand ties is another issue even though the Israeli Military Advocate General (MAG) argued that its use had been introduced to prevent pain and injury. Israel's security concerns cannot justify the ill-treatment and cruelty Palestinian children have to endure. Israel has to treat Palestinian children as human beings and not as terrorists: Israel's paranoia cannot avenge itself against these children who are being used to intimidate and spread fear among Palestinians.

As a result of its occupation and military operations, Israel has violated these children's basic rights including the right to life and health when it bombed hospitals¹⁹, their right to education when schools used as shelters were targeted by

¹⁰ Ibid n.9, p1

¹¹ Ibid n.9, p9

¹² Ibid n.9, 11

¹³ Ibid n.9, p12

¹⁴ Ibid n.9, p13

¹⁵ Ibid n.5, p25

¹⁶ Ibid n.9, p13

¹⁷ ICJ, "Arrest Warrant of 11 April 2000" (Republic of the Congo v. Belgium), Judgment, Reports 2002

¹⁸ Ibid n.5, p24

¹⁹ Ibid n.3, p9

Israeli strikes²⁰, their right to liberty and security, and/or right to lawful arrest and legal counsel when detained, as reported by UNICEF. Israel should abide by article-44 of the CRC which clearly states that a State party should provide the Committee-on-the-Rights-of-the-Child with reports on its implementation of the CRC. In such reports, Israel has never acknowledged Palestinian children. In the Committee's own words, this omission "greatly affects the adequacy of the reporting process and the State's accountability for the implementation of the Convention"²¹. This deliberate attitude shows the unwillingness of Israel to change its behavior and to act in conformity with its international obligations.

When stone-throwing Palestinian children are jailed, abused, traumatized, tortured, forced to stay in isolation in their cells, day and night, deprived of their inalienable rights to live as children live everywhere in this world, why is the UN Human Rights Council more divided than united in calling for their protection from Israel's ongoing assaults! The international community has yet to fulfill its responsibilities, since the partition plan created in 1947, to guarantee a more stable and secure future for generations of struggling Palestinian children to enjoy the rights and privileges, which Israeli children and others the world over, claim for themselves!

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²⁰ Ibid n.3, p10

²¹ Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May – 14 June 2013), CRC/C/ISR/CO/2-4, p1

